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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

19 | In re:

20 | PG&E CORPORATION

-and-

22 | PACIFIC GAS AND ELECTRIC COMPANY.

## **Debtors.**

- 24     Affects PG&E Corporation
  - 25     Affects Pacific Gas and Electric Company
  - 26     Affects both Debtors

**Bankruptcy Case  
No. 19-30088 (DM)**

# Chapter 11 (Lead Case) (Jointly Administered)

**DECLARATION OF DAVID B. RIVKIN,  
JR. IN SUPPORT OF RESPONSE BRIEF  
OF THE OFFICIAL COMMITTEE OF  
TORT CLAIMANTS CONCERNING  
THE APPLICABILITY OF INVERSE  
CONDEMNATION**

Date: November 19, 2019

Date: November  
Time: 10:00 a.m.

Place: United States Bankruptcy Court  
Courtroom 17, 16th Floor  
San Francisco, CA 94102

Case: 19-30088 Doc# 4775 Filed: 11/15/19 Entered: 11/15/19 15:59:34 Page 1 of 1

1 DAVID B. RIVKIN, JR., under penalty of perjury, declares:

2       1. I am a partner at Baker & Hostetler LLP, counsel to the Official Committee of Tort  
3 Claimants (the “**TCC**”) of PG&E Corporation and Pacific Gas and Electric Company (the  
4 “**Debtors**”) in these chapter 11 cases.

5       2. I submit this Declaration in support of the TCC’s Response Brief Concerning the  
6 Applicability of Inverse Condemnation.

7       3. Attached hereto as **EXHIBIT A** is a true and correct copy of a ruling issued by the  
8 Superior Court of California, County of Sacramento, “Ruling on Submitted Matter: Inverse  
9 Condemnation Motions,” dated June 22, 2017, which this firm obtained from Superior Court of  
10 California Website. This ruling finds PG&E may be held liable for inverse condemnation under  
11 California law.

12       4. Attached hereto as **EXHIBIT B** is a true and correct copy of the ruling issued by  
13 the Superior Court of California, County of Sacramento, “Ruling on Submitted Matter: PG&E’s  
14 Renewed Motion for a Legal Determination of Inverse Condemnation Liability Pursuant to Code  
15 of Civil Procedure Section 1260.040,” dated May 1, 2018, which this firm obtained from the  
16 Superior Court of California Website. The ruling states that PG&E is liable for inverse  
17 condemnation damages under present controlling appellate law.

18       5. Attached hereto as **EXHIBIT C** is a true and correct copy of the Superior Court Of  
19 California for the County of Sacramento, “Stipulated Judgment” dated November 29, 2018, which  
20 the firm obtained from Bloomberg Law. The final judgment resolved Barbara Jean and Robert  
21 Thomas Zelmer’s inverse condemnation claims against PG&E.

22       6. Attached hereto as **EXHIBIT D** is a true and correct copy of the order issued by the  
23 Superior Court of California, County of Sacramento, “Order Granting Motion For Entry of  
24 Stipulated Judgment,” November 29, 2018, which the firm obtained from  
25 [http://s1.q4cdn.com/880135780/files/doc\\_downloads/2019/20181129-Order-Granting-Motion-](http://s1.q4cdn.com/880135780/files/doc_downloads/2019/20181129-Order-Granting-Motion-for-Entry-of-Stip-Judgment-(Zelmer).pdf)  
26 [for-Entry-of-Stip-Judgment-\(Zelmer\).pdf](http://s1.q4cdn.com/880135780/files/doc_downloads/2019/20181129-Order-Granting-Motion-for-Entry-of-Stip-Judgment-(Zelmer).pdf). The order agrees to enter the stipulated judgment  
27 between PG&E and the Zelmers.

1 Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States  
2 of America that the foregoing is true and correct to the best of my knowledge and belief.

3

4 Dated: November 15, 2019

5 BAKER & HOSTETLER LLP

6

7 By: /s/ David B. Rivkin, Jr.  
David B. Rivkin

8 Counsel for The Official Committee of Tort  
9 Claimants